

A.G. Contract No. KR87-1977-TRD

ECS File: IGA-87-17
Project: VLT-900-952
Fund: 82560
Section: Buckskin Mountain
State Park

INTERAGENCY AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT entered into this 15th day of January, 1988, between the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "ADOT", and the Arizona State Parks Board, hereinafter called "Parks Board".

WHEREAS, ADOT is empowered by Sections 28-108 and 11-952, Arizona Revised Statutes, to enter into this agreement, and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement, and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of ADOT; and

WHEREAS, Parks Board is empowered by Section 41-511:05, Arizona Revised Statutes, to enter into this agreement, and acting by and through its Director, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of Parks Board; and

WHEREAS, this is an agreement between ADOT and Parks Board regarding the acquisition of drainage easements, construction easements and fee simple rights of way for the purposes, as promulgated in Arizona Revised Statutes Section 28-1822(A)(8).

FILED WITH SECRETARY OF STATE

NO. 12679
Date Filed 1-19-88



SECRETARY OF STATE

WHEREAS, By Resolution 72, the Parks Board has designated roads, spurs and other traffic related appurtenances within State Park boundaries as public highways for the purpose of constructing embankment curbs and spillways and of placing new asphaltic concrete pavement, and has authorized ADOT to acquire in the Parks Board's name any additional rights of way, where necessary.

THEREFORE, the parties hereto agree as follows:

ADOT SHALL:

1. Prepare engineering plans and specifications for the placement of asphaltic concrete overlay and chip seal to the park roads, campsites and parking areas.
2. Acquire in the name of the Parks Board additional rights of way for purposes of roadway construction, where necessary.
3. Call for bids and award one or more contracts for the asphaltic concrete paving of the service roads and service parking areas at Buckskin Mountain Unit and River Island Unit.
4. Call for bids and award one or more contracts for the chip sealing of park roads, campsites and parking areas at the River Island Unit.
5. Call for bids and award one or more contracts for the asphaltic concrete overlay and chip sealing on the park roads, campsites and parking areas within the Buckskin Mountain Unit.
6. Award these contracts in accordance with ADOT procedures and administer the construction contracts.
7. Pay construction costs not to exceed \$250,000 required for said improvements pursuant to Arizona Revised Statutes 28-1822, et. seq.

PARKS BOARD SHALL:

1. Provide information to support the development of the roadway plans, including as-built plans, aerial photos, topography and survey notes of existing facilities.

2. Provide to ADOT the necessary permits allowing for the contemplated construction.

3. Accept any rights of way acquired by ADOT as a part of the State Parks System.

4. Be responsible for the maintenance and operation of said Park improved facilities.

IT IS FURTHER agreed by and between the parties hereto that:

THIS AGREEMENT shall remain in full force and effect until completion of said projects; provided, however, that this agreement may be cancelled at any time prior to the commencement of work by ADOT upon 30 days written notice to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes, as amended.

Attached hereto and incorporated herein by reference is a copy of ADOT's resolution authorizing entry into this agreement, a copy of Parks Board's resolution authorizing entry into this agreement, and a copy of the Attorney General's acceptance as to form.

All parties hereto recognize that the provisions of Section 35-214, Arizona Revised Statutes, are applicable to this agreement.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

ARIZONA STATE PARKS BOARD

By: *Kenneth H. Travon*

Title: *Executive Director*

STATE OF ARIZONA
ARIZONA DEPARTMENT OF
TRANSPORTATION

By: *W. O. Ford*

W. O. Ford
State Engineer

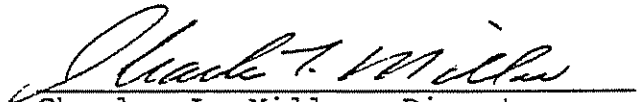
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PROJECT: VLT-900-952
SECTION: Buckskin Mountain
State Park

RESOLUTION

BE IT RESOLVED on this 29th day of July, 1987, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona, that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Interagency Agreement with the Arizona State Parks Board wherein the Department of Transportation will improve various areas of State Parks lands including, but not limited to, drainage easements, construction easements and road rights of way.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.


Charles L. Miller, Director
Arizona Department of
Transportation

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Joni Bosh, Secretary for the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

RESOLUTION No. 72

**By the Arizona State Parks Board
Authorizing the Execution of the Intergovernmental
Agreement with the
Department of Transportation**

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, BE IT RESOLVED on this 17th day of July, 1987, that THE ARIZONA STATE PARKS BOARD determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the ARIZONA DEPARTMENT OF TRANSPORTATION wherein the ARIZONA DEPARTMENT OF TRANSPORTATION will improve various areas within Buckskin Mountain State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Buckskin Mountain State Park for the purpose of constructing park related improvements under the Interagency Agreement, Project VLT-900-952.

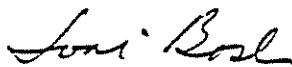
THEREFORE, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was seconded by M. Jean Hassell and was unanimously carried by the members present, as follows:

Elizabeth A. Drake
Duane Miller
M. Jean Hassell
Joni Bosh
Reese M. Woodling
William G. Roe

Thereupon, Duane Miller, Vice Chairman of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On July 17, 1987, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.



Joni Bosh, Secretary

ATTORNEY GENERAL
1275 West Washington
Phoenix, Arizona 85007
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR87-1977-TRD, which is an agreement between public agencies, has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter said agreement.

Dated this 18th day of January, 1988.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division